

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RICHARD WOLF GUTS, Defendant.	3:17-CR-30059-RAL-1 OPINION AND ORDER DISMISSING MOTION FOR COMPASSIONATE RELEASE
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In September 2017, Richard Wolf Guts was sentenced to 27 months' custody after pleading guilty to assaulting a federal officer. Doc. 42. While serving the sentence on that conviction, Wolf Guts was indicted for three separate counts of assaulting federal correctional officers with the United States Bureau of Prisons while incarcerated at the United States Penitentiary in Tucson, Arizona (USP Tucson). See United States v. Wolf Guts, 4:19-cr-00842-JCH-DTF, (D. Ariz. Mar. 27, 2019). He was then transferred to the United States Medical Center for Federal Prisoners in Springfield, Missouri, (USMCFP) where he underwent an evaluation concerning his need for inpatient mental health treatment. Doc. 56 at 4. Wolf Guts was subsequently civilly committed pursuant to 18 U.S.C. § 4246. U.S. v. Wolf Guts, 6-19-CV-03168-MDH.

On June 18, 2024, Wolf Guts filed a motion seeking compassionate relief under the First Step Act due to a serious cognitive impairment. Doc. 55 at 4. This Court must deny Wolf Gut's motion because the District of South Dakota lacks jurisdiction. Section 3582(c) confers upon district courts "limited jurisdiction" to modify a sentence. United States v. Auman, 8 F.3d 1268, 1271 (8th Cir. 1993). The text of § 3582(c) "requires those motions be addressed to the sentencing

court.” United States v. Raia, 954 F.3d 594, 596 (3d Cir. 2020); see also Braswell v. Gallegos, 82 F. App'x 633, 635 (10th Cir. 2003) (“Because a motion filed under § 3582 requests modification of a sentence, it follows that such a motion must be filed in the district court which imposed the sentence.”).

Wolf Guts is not detained due to this Court's sentence but due to his indictment on three charges of assaulting a federal officer in the District of Arizona and the civil commitment order entered by the Western District of Missouri. Therefore, it is

ORDERED that Wolf Gut's motion for compassionate release, Doc. 55, is dismissed without prejudice.

DATED this 3rd day of ~~August~~^{September}, 2024.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE